



March 27, 2009

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, S W
Washington, D C 20423 20024

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**Re STB Docket No. AB-167 (Sub-No. 1189X)
Consolidated Rail Corporation – Abandonment Exemption – In Hudson County, NJ
and related cases AB-55 (Sub-No. 686X) and AB-290 (Sub-No. 306X)**

Dear Ms Quinlan:

The Embankment Preservation Coalition, a 501(c)3 nonprofit organization in Jersey City, New Jersey, which is represented in the case above by Charles Montange, is currently without benefit of attorney, who has been out-of-country since March 12 and will not be in his office until April 1. In his absence, we bring the following matters, which we request be handled appropriately, to your attention.

Defective Notice of Abandonment Exemption by Conrail. According to 49 CFR 1105.12,

In every abandonment exemption case, the applicant shall publish a notice in a newspaper of general circulation in each county in which the line is located and certify to the Board that it has done this by the date its notice of (or petition for) exemption is filed. The notice shall alert the public to the proposed abandonment, to available reuse alternatives, such as trail use and public use, and to how it may participate in a Board proceeding.

We believe Conrail did not properly file a notice of Abandonment Exemption in a newspaper of general circulation in the County of Hudson, in which the Harsimus Branch entirely lies. Instead, Conrail filed a notice in *The Star-Ledger*, a statewide newspaper.

The Star Ledger, which is owned by Advance Publications, distributes county-wide local news sections with the paper to customers in Essex, Middlesex, Morris, Somerset and Hunterdon, Sussex and Warren, and Union counties. In Hudson County, however, where the totality of the line that is the subject of these cases lies, Advance Publications provides local coverage in *The Star-Ledger*'s sister publication, *The Jersey Journal*. *The Jersey Journal* is the main newspaper covering Hudson County. Hudson County residents typically do not look in generally circulating newspapers like *The New York Times*, *Wall Street Journal*, or *Star Ledger* for legal notices pertaining to Hudson County.

We ask that this defective notice be corrected.

Request for Extension of Time

The Coalition also requests sufficient time for our organization and the public to respond appropriately to upcoming deadlines for requests for reconsideration, public use, conditions, trail use, and for environmental comments. We request an extension of at least 30 days for each.

(cont'd on page two)



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We especially request time to reply to the Section of Environmental Analysis's Environmental Assessment (EA), before the abandonment exemption is in effect.

Our 1200 individually-subscribed supporters and many local and regional organizations are interested in the preservation of this National-Register-eligible historic, cultural, environmental, and transportation asset. We expect many will want to comment. We need time to inform members that they are able to submit comments and how they may do so. They, in turn, need time to read the EA and formulate their responses.

Considering the burden on these parties to respond to an EA and an abandonment exemption, the absence of our rail attorney, and all the side issues going on, we ask STB to extend deadlines for requests for reconsideration, environmental comments, public use conditions, and trail use applications, and any other deadlines we may, through lack of professional expertise, have overlooked.

Thank you for your consideration of these comments and requests.

Sincerely,

Maureen Crowley
Maureen Crowley, Coordinator
Embankment Preservation Coalition
263 Fifth St
Jersey City, NJ 07302

I hereby certify that I have served Conrail (Mr. Jenkins) by Fed Ex, next-day service, and all other parties of record in this proceeding with this document by United States mail.

Maureen Crowley *03/27/2009*
Signature Date